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DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2003-08 (MP)

**TO: Mobilehome Park Local Enforcement Agencies
 Mobilehome Park Operators
 Special Occupancy Park Operators
 Mobilehome Park and Special Occupancy Park
 Interested Parties
 City and County Building Officials
 Division Staff**

SUBJECT: 2003 LEGISLATIVE CHANGES

This Information Bulletin summarizes legislative changes to the Mobilehome Parks Act (California Health and Safety Code (HSC), Division 13, Part 2.1, commencing with section 18200), the Special Occupancy Parks Act (HSC, Division 13, Part 2.3, commencing with section 18860), the Mobilehome Residency Law (California Civil Code, Division 2, Part 2, Chapter 2.5, commencing with section 798), and the California Penal Code, Part 1, Title 8, Chapter 9, sections 241 and 243 brought about by the 2003 legislative session. These changes, unless otherwise noted below, will become effective January 1, 2004.

- **[Chapter 815, Statutes of 2003 \(Senate Bill No. 54, Dunn\)](#)** adds Section 18407, and amends Sections 18300, 18610.5, 18865, and 18872.1 of the Health and Safety Code in conjunction with amendments contained in **[Chapter 814, Statutes of 2003 \(Senate Bill No. 306, Ducheny\)](#)** summarized below.

Note: The amendments to HSC Sections 18300, 18610.5, 18865 and 18872.1 in this bill **do not become operative until July 1, 2005.**

- In HSC Sections 18300 and 18865, effective July 1, 2005, the amendments remove the local planning department's responsibility to approve lot line creation, movement, shifting or alteration. The amendments also remove the Department's authority to approve third-party plan checking agencies.
- In HSC Sections 18610.5 and 18872.1, effective July 1, 2005, the amendments remove the requirement to obtain local planning department approval for creation, movement, shifting, or alteration of lot lines within a Mobilehome Park

or Special Occupancy Park. The amendments require that a park owner/operator obtain a permit from the enforcement agency for lot line changes. The written application for this permit must include the names and addresses of the registered owners of the units on the affected lots along with their written authorization for the lot line change. The enforcement agency may also require the submission of a detailed plot plan with proof of delivery by first class postage prepaid to the registered owners of units on the affected lots. (HCD will promulgate regulations in 2004 covering details and fees.)

- HSC Section 18407, added by this legislation and effective January 1, 2004, is a non-binding finding by the Legislature that when an enforcement agency investigates a complaint regarding a violation of the Mobilehome Parks Act within a mobilehome park, it should notify the complainant of the scheduled investigation date whenever possible to allow for the complainant to be present for the inspection and advise the complainant of the results of that investigation.

➤ **Chapter 814, Statutes of 2003 (Senate Bill No. 306, Ducheny) amends Sections 18013.4, 18214, 18300, 18862.39, 18862.47, and 18865 of the Health and Safety Code applicable to Recreational Vehicles, and Mobilehome and Special Occupancy Parks. The amendments are listed in the numerical order of their code section.**

- In HSC Section 18013.4, the amendment corrects an erroneous reference in the definition of a "Truck Camper" to HSC Section 18012.4 that defines a "Slide-in Camper" which specifically includes a truck camper.
- In HSC Sections 18214 and 18862.39, the amendments changed the definition of a "Mobilehome Park" and "Recreational Vehicle Park" as they relate to employee housing. The change now excludes an area or tract of land zoned for agricultural purposes, with 12 or fewer mobilehomes, manufactured homes, or recreational vehicles, that are used for housing agricultural employees, from permit to operate requirements including the permit to operate fees. Previously, the law specified 12 or fewer agricultural employees for this provision to apply, and did not contain clarifying language regarding exclusion from the permit to operate or its fees.
- In HSC Sections 18300 and 18865, the amendments remove the Department's authority to approve third-party plan checking agencies. These amendments to these sections are only effective until July 1, 2005, at which time the amendments contained in **Chapter 815, Statutes of 2003 (Senate Bill No. 54, Dunn)** become effective and continue the removal of that authority.

- In HSC Section 18862.39, the amendments broaden the definition of “Recreational Vehicle Park”, to include parks with lots that were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership.
 - In HSC Section 18862.47, the amendments changed the definition for a “Temporary Recreational Vehicle Park”, as it relates to employee housing. The change now excludes an area or tract of land zoned for agricultural purposes, with 12 or fewer recreational vehicles, that is used for housing agricultural employees, from permit to operate requirements including the permit to operate fees. Previously, the law specified 12 or fewer agricultural employees for this provision to apply, and did not contain clarifying language regarding exclusion from the permit to operate or its fees.
- **Chapter 249, Statutes of 2003 (Senate Bill No. 116, Dunn) amends Section 798.51 and adds Sections 78.74.4 and 799.10 to the Civil Code.**
- In Civil Code Section 798.51, the amendments allow a homeowner or resident to display an electoral political campaign sign in the window or on the side of a manufactured home or mobilehome, or on the site on which the home is located or installed. The size of a sign is not to exceed six square feet and may only be displayed for up to 90 days prior to the election, and for 15 days after the election unless subject to more restrictive local time limits.
 - Civil Code Section 798.74.4, is added to apply the existing disclosure requirements applicable to mobilehomes and manufactured homes on private property to homes in parks. These disclosure requirements are contained in the Civil Code commencing with section 1102 and specifically subsection 1102.6(d) of Article 1.5, Chapter 2, Title 4, Part 4.
 - Civil Code Section 799.10, is added to provide political campaign signage protection similar to amended section 798.51 noted above, with additional detail, for a resident in a subdivision, cooperative or condominium type manufactured home communities.
- **Chapter 561, Statutes of 2003 (Assembly Bill No. 682, Corbett) amends Sections 798.55 and 798.73 of the Civil Code.**
- In Civil Code Section 798.55, the amendments allow a homeowner, whose tenancy has been terminated or not renewed, to sell their mobilehome within a period of not less than 60 days, and require that the homeowner pay past due rent and utilities upon sale of the mobilehome.

- In Civil Code Section 798.73, the amendment clarifies that management may not require the removal of a mobilehome in the 60 days following the initial notice of intent to sell pursuant to Civil Code 798.55.
 - Sections 3 and 4 of this bill provide legislative intent that the purchaser of a home does not have a right to tenancy in a park if the seller of that home had their residency terminated through the condemnation or change in use of the mobilehome park; and that the amendments do not affect park management's existing rights and remedies to recover unpaid rent, utilities charges or reasonable incidental charges, and may not be construed to provide for an exclusive remedy. Note that Sections 3 and 4 of this bill are not codified law, but represent the Legislature's intent in enacting this legislation.
- **Chapter 98, Statutes of 2003 (Assembly Bill No. 693, Corbett) amends Section 798.86 of the Civil Code.**
- In Civil Code Section 798.86, the amendment allows the prevailing homeowner or former homeowner of a park in a civil action against management, to enforce their rights contained in the Mobilehome Residency Law and to be awarded either punitive damages afforded by Civil Code 3294, or the statutory penalty afforded by subdivision (a) of Civil Code 798.86.
- **Chapter 388, Statutes of 2003 (Assembly Bill No. 767, Nakano) amends Section 798.56 of the Civil Code.**
- In Civil Code Section 798.56, the amendments add as new causes for termination of tenancy in subdivision (c), conviction of battery with serious bodily injury, assault with a firearm, lewd or lascivious acts with a child, and arson. Existing causes for termination of tenancy include conviction of prostitution or felony controlled substance crimes committed anywhere on the premises of the mobilehome park.
 - In Civil Code Section 798.56, the amendments require that when the park management gives a three-day notice to a homeowner or resident, the notice must contain a specifically worded "Warning" located at the top of the notice regarding the number of prior three-day notices and the consequence of issuance of a third notice. The amended law contains the specific language, required font and presentation of the warning.
 - In Civil Code Section 798.56, the amendments specify that when a homeowner has been given a three-day notice to pay the amount due or vacate the tenancy on three or more occasions within a 12-month period, and this warning was included in each notice, the management is not required to give further

written notices in case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges in order to terminate the tenancy.

➤ **Chapter 132, Statutes of 2003 (Assembly Bill No. 1173, Haynes) amends Sections 798.21 of the Civil Code.**

- In Civil Code Section 798.21, the amendments clarify that a determination that mobilehome park space is exempt from rent control may be based on a review of public records that reasonably demonstrate that the principal residence of the homeowner is out-of-state. However, the exemption does not apply if the homeowner, real estate broker, or mobilehome dealer is actively attempting to sell the mobilehome in good faith to bona fide purchasers.

➤ **Chapter 767, Statutes of 2003 (Assembly Bill No. 1287, Lieber) amends Section 798.71 and adds Section 798.74.5 to the Civil Code.**

- In Civil Code Section 798.71, the amendments allow park management to require written notice from the homeowner that their mobilehome is for sale. However, failure to comply with this requirement does not invalidate a transfer.
- The addition of Civil Code Section 798.74.5, which becomes operative October 1, 2004, requires that, if park management was notified that a mobilehome occupying the space is for sale and receives a request from a prospective homeowner for residency, the park management is then required within 2 business days of that request to provide the prospective homeowner a separate document entitled "INFORMATION FOR PROSPECTIVE HOMEOWNERS". This new law contains the specific notice language, required font and presentation. This notice, in addition to other requirements must contain the monthly rent and other applicable fees that may apply, including a good faith estimate of each fee or charge and a description of that fee or charge.

Additionally, this notice states that the park management must provide a copy of the lease or rental agreement, the park rules and regulations, and a copy of the Mobilehome Residency Law upon the request of any prospective homeowner.

➤ **Chapter 274, Statutes of 2003 (Senate Bill No. 919, Ortiz) amends Sections 241 and 243 of the Penal Code, relating to code enforcement officers.**

- In Penal Code Sections 241 and 243, the amendment adds "code enforcement officer" to the list of specific positions (peace officers, fire fighters, etc.) that punishment provisions of assault and battery apply.

Additionally, added to this section is the definition for "Code enforcement officer" to mean any person who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

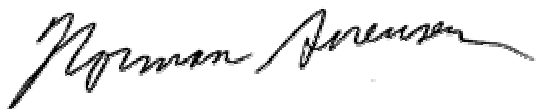
Code enforcement officer also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act, Manufactured Housing Act, Mobilehome Parks Act, or the Special Occupancy Parks Act.

Separation of Mobilehome Parks Act and New Special Occupancy Parks Act

A significant number of amendments to the Mobilehome Parks Act, including the creation of the Special Occupancy Parks Act (Part 2.3, commencing with HSC Section 18860) were enacted by [Senate Bill 325 \(Chapter 434, Statutes of 2001\)](#). However, these amendments generally did not take effect until January 1, 2004. Recipients of this Information Bulletin should ensure that these changes are noted, even though they were not enacted in 2003.

This summary of legislative changes is not represented to be a complete digest of all new laws affecting persons regulated by the Mobilehome Parks Act, Special Occupancy Parks Act, or the Mobilehome Residency Law. The complete text of each law can be reviewed through the Official California Legislative Information website using the internet address: www.leginfo.ca.gov.

For questions regarding mobilehome park or special occupancy park requirements, please contact our Mobilehome Parks Program at (916) 445-9471. Questions regarding the Mobilehome Residency Law should be directed to the Office of the Mobilehome Ombudsman at 1-800-952-5275 during its limited hours of operation. You may also contact the Department via our web comment at: <http://www.hcd.ca.gov/comments/>.



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